

OP-22.20, "Searches of Employees, Volunteers, and Vendors,"

SCDC POLICY/PROCEDURE

Change 1 to OP-22.20: 2.1

Change 2 to OP-22.20: 2.1; 2.2

NUMBER:OP-22.20

TITLE:SEARCHES OF EMPLOYEES, VOLUNTEERS, VISITORS, AND VENDORS

ISSUE DATE:JULY 1, 2008

RESPONSIBLE AUTHORITY: OPERATIONS

OPERATIONS MANUAL:OPERATIONS

SUPERSEDES: OP-22.20 (January 1, 2007)

RELEVANT SCDC FORMS/SUPPLIES: 19-29A, ~~19-95 (New)~~ 19-95-A & 19-95-B

ACA/CAC STANDARDS: 4-ACRS-7C-02, 4-4063, 4-4115

STATE/FEDERAL STATUTES:South Carolina Code of Laws, 1976, as amended, Regulations, Chapter 33-1, Contraband Articles

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To establish guidelines for searching employees, volunteers, and vendors.

POLICY STATEMENT: The South Carolina Department of Corrections (SCDC) is committed to protecting the safety and security of all Agency employees, volunteers, vendors, inmates, and the general public. To this end, all employees, volunteers, and vendors will be subject to searches of themselves, any packages, and their vehicles at any time while on Agency property. (4-ACRS-7C-02, 4-4063, 4-4115)

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1. GENERAL:

1.1 Signs will be posted at each institution to advise all persons of items that are deemed to be contraband while on SCDC property.

1.2 To ensure the safety, security, and good order of SCDC facilities, all employees, visitors, volunteers, or vendors will be subject to search at any time while on SCDC property.

1.3 Searches will be conducted in a professional, courteous manner. Refusal to submit to a search will constitute a reason to deny admission to SCDC property or removal from SCDC property and will result in corrective action for employees. (4-ACRS-7C-02, 4-4063, 4-4115)

1.4 The following are authorized items that can be brought into an institution by an employee in a clear container, bag, or backpack. The container, bag or backpack must fit inside the box located at the entrance/front gate of the institution.

- Food items from home in a clear container, (see conditions under "Note" for food from outside vendors);
- Beverages -(limit of four (4); must be in containers, 24 ounces or smaller, factory sealed and all labels removed.) NO CANS OR GLASS,
- Toothbrush - One (1),
- Toothpaste - One (1) travel size,
- Lip gloss - One (1)
- Lipstick - One (1)
- Hand Sanitizer - One (1) small see through plastic bottle (2.5 ounces or smaller)
- Hand Lotion - One (1) small see through plastic bottle
- Comb or hairbrush - One (1)
- Personal hygiene products (may be in a small separate bag that is not clear, but will be searched)
- Eye care products (i.e. contact lens solution)
- Cash - maximum of \$50.00 per employee
- Ven Card - One (1) for vending machine
- Prescribed medication - must be in the original prescription bottle and the amount can not exceed prescribed daily dosage

- Over the counter (OTC) medication - must be in the original container and amount can not exceed manufacturers prescribed/recommended daily dosage
- Personal PDA - Non transmittal Palm Pilots - only with permission of Warden/Designee
- Pagers - Agency issued only (No non Agency devices allowed)
- Briefcases/Portfolios - only with approval of Warden/Designee
- Telephone calling card (one)
- One set of personal keys
- Umbrella
- In limited circumstances, other items may be approved by the Warden or Division of Operations

(Note: Containers with food that is purchased as takeout from local restaurants or brought in for special events in non-clear containers will be opened and the contents will be visually examined. The contents of pockets, briefcases or any other container will be searched before entering the institution and at any time deemed necessary for security reasons. Refusal to submit to such a search will constitute a reason to deny admission to SCDC property or removal from SCDC property.

1.4.1 Level II and III institutions that have X-ray scanning machines will follow search procedures as established by the Division of Security.

1.5 Exceptions for cell phones, as approved by the Warden/Designee, for the Agency Director, Division Director of Operations, Division of Operation Coordinators, Director of Security, Inspector General and outside law enforcement. Others, as approved by the Warden/Designee on a case by case basis.

1.6 Syringes: If an employee has to use a syringe to administer his/her medication, arrangements will be made to allow the employee to go to a secure area (i.e. Sallyport, Front Gate, Control Room) designated by the Warden where his/her medication can be kept and used.

1.7 Pursuant to the South Carolina Code of Laws, 1976, as amended, it shall be unlawful for any person to furnish or attempt to furnish any prisoner under the jurisdiction of the Department of Corrections with any matter declared by the director to be contraband. It shall also be unlawful for any prisoner under the jurisdiction of the Department of Corrections to possess any matter declared to be contraband. Matters considered contraband within the meaning of this section shall be those which are determined to be such by the director and published by him in a conspicuous place available to visitors and inmates at each correctional institution. Any person violating the provisions of this section shall be deemed guilty of a felony and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not less than one year nor more than ten years, or both.

Pursuant to the South Carolina Code of Laws, 1976, as amended, Regulations, Chapter 33-1, Contraband Articles, "Under the authority of Chapters 1,3 and 9 of Title 24 of the 1976 Code, the Department of Corrections publishes the following list of articles which are hereby designated as contraband at the State Penitentiary:

- Any item which was not issued to the prisoner officially or which cannot be purchased by him or her in the prison canteen.

- Weapons, any and all firearms, knives of any and all descriptions, clubs, billies or any other article that may be used for offense or defense.
- Drugs of any description and particularly barbiturates, narcotics, medicines and poison.
- Any and all types of alcoholic drinks and any liquids containing alcohol.
- Keys and locks.
- Tools of any description not approved for issue to prisoners by the Director.
- Money in any denomination or amount not submitted through the prison Treasurer.
- Tobacco products.

Notice is hereby served on all prisoners and their visitors and any other person that the provisions of 24-3-950, S.C. Code 1976 will be enforced and that all such persons are urged to observe the law and refrain from violating this section in particular."

1.8 Other items classified as contraband under this policy include: any and all controlled substances; cellular phones;(except as stated in Paragraph 1.5 above) personally owned computers (when not specifically authorized by the Division Director of Resource and Information Management pursuant to SCDC Policy/Procedure ADM-15.05, "Security of and Access to Information Technology"; recording devices; tobacco and tobacco products, and other items as may be determined by the Director.

2. PAT/FRISK, STRIP, AND BODY CAVITY SEARCHES:

2.1 Pat/Frisk Search: All employees (including contract and temporary); visitors, volunteers, and vendors may be pat/frisk searched at anytime. The employee, volunteer, visitor, or vendor will not be allowed to return to the parking lot prior to being searched. Any refusal to a frisk search by an employee will result in corrective action up to termination pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action." ~~If it is determined that a pat/frisk search is to be done on a visitor, volunteer, or vendor, approval must be obtained from the Major, Duty Warden, Associate Warden, or Warden and consent will be given by signing SCDC Form 19-95, "Consent/Refusal to be Searched." All visitors must sign SCDC Form 19-95-A, "Consent/Refusal to be Searched." All volunteers and vendors must sign SCDC Form 19-95-B, "Consent/Refusal to be Searched," which would give consent for a pat/frisk search for the duration of the volunteer/vendor's service with SCDC.~~At Level II and III institutions, all employees, volunteers, visitors, and vendors, age 18 and over will be pat/frisk searched prior to being admitted into the institution. The pat/frisk search will include all hats, coats, and trousers and will be done by a same sex employee for females in accordance with SCDC training. When an employee, visitor, volunteer, or vendor refuses to submit to a pat/frisk search, the refusal will be documented on the appropriate SCDC Form 19-95-A/19-95-B,"Consent/Refusal to be Searched." See Paragraph 8., below, for information on distribution of the Incident Report. If the individual refuses to submit to the search, s/he will be denied access to the institution and will be required to vacate SCDC property. Agency employees who refuse to submit to a search will be subject to corrective action pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action." (See Paragraph 8. of this policy/procedure for reporting requirements.) (Amended by Change 1, dated September 21, 2010.) For additional information on searches of inmate visitors, see SCDC Policy OP-22.09, "Inmate Visitation." (Changes in BLUE, amended by Change 2, dated July 27, 2015.)

2.2 Consensual Strip Search: A consensual strip search may only be done with approval of the Warden, Associate Warden, Inspector General, Division of Operations/Designee, or Agency On-Call person, if they have been told there is reason to believe that unauthorized items/contraband may be concealed in such a way

that a pat/frisk search will not allow them to discover the unauthorized item/contraband. If the Warden, Associate Warden, Inspector General, Division of Operations/Designee, or Agency On-Call person, is not on site, s/he will be contacted. The situation will be explained, and s/he will verbally approve the strip search. Strip searches will only be done by a same sex employee and in accordance with SCDC training. Individuals must consent to strip searches in writing utilizing the appropriate SCDC Form 19-95, "Consent/Refusal to be Searched." If the individual refuses to submit to the search, s/he will be denied access to the institution and will be required to vacate SCDC property. Agency employees who refuse to submit to a search will be subject to corrective action pursuant to SCDC Policy ADM-11.04, "Employee Corrective Action." (See Paragraph 8. of this policy/procedure for reporting requirements.) For additional information on searches of inmate visitors, see SCDC Policy OP-22.09, "Inmate Visitation." (Changes in BLUE, amended by Change 2, dated July 27, 2015.)

2.3 Prohibition of Body Cavity Searches: Body cavity searches will NOT be conducted on any employee, volunteer, visitor, or vendor.

2.4 Metal detectors, canines, or electronic drug detectors may be used at any time while on SCDC property to search for contraband.

3. SEARCH OF VEHICLES:

3.1 Employee Vehicles: Employee vehicles may be searched at any time while on SCDC property as authorized by the Warden/Designee, Division Director of Investigations, Inspector General, Division Director of Operations, or Agency Director. (The Inspector General may also authorize a vehicle search pursuant to SCDC Policy/Procedure OP-22.04, "Canine Drug Interdiction Unit.") An employee who refuses to allow his/her vehicle to be searched will be denied access to the institution, will be required to vacate SCDC property and will be subject to corrective action pursuant to SCDC Procedure ADM-11.04, "Employee Corrective Action." (See Paragraph 8. of this policy/procedure for reporting requirements.)

3.2 Vendor, Visitor, or Volunteer Vehicles: Vendor, visitor, or volunteer vehicles may be searched at any time while on SCDC property when approved by the Warden/Designee, Inspector General, Division Director of Operations/Designee, or Agency Director. (The Inspector General may also authorize a vehicle search pursuant to SCDC Policy/Procedure OP-22.04, "Canine Drug Interdiction Unit.") Refusal to allow the search will automatically prohibit entry or require removal from the facility/SCDC property. (See Paragraph 8. of this policy/procedure for reporting requirements.)

4. DISCOVERY OF ILLICIT DRUGS/ILLEGAL SUBSTANCES/ITEMS: If illicit drugs or other illegal substances or items are found, the employee, vendor, visitor, or volunteer may be subject to arrest and prosecution under applicable state laws. The authority authorizing the search will immediately notify the Division Director of Investigations and/or local law enforcement for further assistance. The employee, vendor, visitor, or volunteer may be detained until assistance has been obtained from the Division of Investigations and/or local law enforcement. (See Paragraph Eight [8] of this policy/procedure for reporting requirements.)

5. DISCOVERY OF OTHER ITEMS DEEMED TO BE CONTRABAND:

5.1 Employees: If an employee is found to be in possession of an item(s) deemed to be contraband (but not illegal) while on SCDC property, then:

5.1.1 S/he will be denied access to SCDC property or will be required to leave SCDC property until s/he has disposed of the contraband item(s); or

5.1.2 The contraband may be retained pending the results of an investigation. If the investigation results in criminal prosecution by the appropriate law enforcement authorities, the evidence will be retained as is required by law.

5.2 Volunteers, Visitors, or Vendors: If a volunteer, visitor, or vendor, is found to be in possession of an item(s) deemed to be contraband (but not otherwise illegal) while on SCDC property, then s/he will be allowed to dispose of it or not be allowed to visit on that day. The item will NOT be returned to the visitor. S/he will not be allowed to return to the car and come back into the institution. Under no circumstances will an SCDC employee be allowed to hold an item for a visitor, volunteer, or vendor. The contraband may be retained pending the results of an investigation. If the investigation results in criminal prosecution by the appropriate law enforcement authorities, the evidence will be retained as is required by law. (For additional information regarding visitors, refer to Paragraph 7.5, SCDC Policy/Procedure OP-22.09, "Inmate Visitation.")

5.3 Any questions about storage, tracking, or disposition of contraband should be addressed to the Division Director of Investigations or designee. (See Paragraph 8. of this policy/procedure for reporting requirements.)

6. SMUGGLING OR FURNISHING CONTRABAND TO AN INMATE: If any individual attempts to smuggle any contraband items to an inmate, then the individual may be subject to arrest and prosecution under applicable state statutes. The contraband may be retained pending the results of an investigation.

7. FIREARMS/WEAPONS:

7.1 Firearms, with the exception of pistols as provided by law, unless SCDC or law enforcement agency issued or specifically authorized by the Agency Director, will not be allowed on SCDC property. An SCDC employee who is found to be in an unlawful possession of a privately owned firearm on SCDC Property may be subject to corrective action pursuant to SCDC Policy/Procedure ADM-11.04, "Employee Corrective Action." The employee, visitor, vendor, or volunteer may be subject to arrest under applicable state statutes. The employee, visitor, volunteer, or vendor found to be in unlawful possession of a weapon may be detained until assistance is obtained from the Division of Investigations and/or local law enforcement. (See Paragraph 8. of this policy/procedure for reporting requirements.)

7.2 Personally owned firearms/weapons utilized for authorized hunting on SCDC property are addressed in SCDC Policy/Procedure OP-22.28, "Game Management on SCDC Property."

8. REPORTING REQUIREMENTS:

8.1 Refusals of Searches: When an employee, visitor, volunteer, or vendor refuses to submit to a search, the refusal will be documented on the appropriate SCDC Form 19-95, "Consent/Refusal to be Searched" and SCDC Form 19-29A, "Incident Report." These forms will be distributed as follows:

8.1.1 An employees refusal will be provided to the employees Warden, Division Director, appropriate member of the Director's Staff, or to the Agency Director for action.

8.1.2 A volunteers refusal will be provided to the Warden or supervising staff member who will forward it to the Volunteer Coordinator in the Inmate Services Branch for action pursuant to SCDC Policy/Procedure PS-10.04, "Volunteer Services Program."

8.1.3 A vendors refusal of any type of search will be provided to the Warden or appropriate Division Director who will forward it to the appropriate member of the Director's Staff for action.

8.2 Discovery of Contraband, Illegal Substances, or Firearms:

8.2.1 When Contraband, Illegal Substances, or Firearms are found during a search, the discovery of the item(s) will be documented on SCDC Form 19-29A, "Incident Report." Contraband will be stored in accordance with SCDC Policy/Procedure OP-22.35, "Contraband Control."

8.2.2 For Contraband: The completed SCDC Form 19-95-A/19-95-B, "Consent/Refusal to be Searched" and SCDC Form 19-29A, "Incident Report" will be forwarded to the appropriate Warden (if at an institution) or Division Director (if not at an institution) and the appropriate member of the Director's Staff for further action and appropriate MIN distribution. For additional information, see SCDC Policy/Procedure OP-22.25, "Reporting Incidents and Accidents (Management Information Notes [MINS]) and Other Methods of Reporting."

8.2.3 For Illegal Substances or Firearms: When an illegal substance or unlawful possession of a firearm is found, the completed SCDC Form 19-95-A/19-95-B, "Consent/Refusal to be Searched" and SCDC Form 19-29A, "Incident Report" will be forwarded to the Warden (if at an institution) or Division Director if not at an institution) and Division of Investigations for further action and appropriate MIN distribution. For additional information, see SCDC Policy/Procedure OP-22.25, "Reporting Incidents and Accidents (Management Information Notes [MINS]) and Other Methods of Reporting."

9. DEFINITIONS:

Contraband refers to any material, substance, or item that may not be brought into an SCDC institution and/or that may not be provided to an inmate.

Employee refers to any person(s) employed by the South Carolina Department of Corrections either in a full or part-time capacity.

Pat/Frisk Search refers to a search to be conducted that externally examines a subject's body to ascertain any hidden items.

Search refers to the act of examining a person(s) and his/her property through the use of metal detectors, pat/frisk searches, and/or strip searches to detect the introduction of contraband into an SCDC facility.

Strip Search refers to a search to be conducted which examines an employee, volunteer, or vendor through the removal of clothing, searching of the clothing, and the visual inspection of the body.

Vendor refers to any person(s) who delivers goods to or provides services for the South Carolina Department of Corrections including contract employees who carry SCDC identification cards

Visitor refers to any person visiting or attempting to visit an inmate or inmates, including approved family members and friends, member of the clergy, medical personnel, attorneys, and those persons coming to meet with a staff member.

Volunteer refers to an approved person or group who provides goods or services of his/her own free will to the SCDC without receiving any financial payment for such goods or services.

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Jon E. Ozmint, Director

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